THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.35828 of 1997

ORAL ORDER:

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This writ petition is filed seeking a Mandamus declaring the action of the respondent authorities in treating the posts of Security Guards as zonal posts for promotions and regional posts for pay scales, as arbitrary illegal and consequently declare the seniority list prepared by the fourth respondent vide proceedings dated 1.10.1997 for the purpose of promotions as Security Head Guards in Karimnagar zone as arbitrary and illegal.

It is the case of the petitioners that the set up of Andhra Pradesh State Road Transport Corporation (APSRTC) was Divisions and Regions. There used to be more than one division in every revenue district. Originally there were 10 regions in the State. The petitioners were appointed as Security Guards in Karimnagar region, which consists of Karimnagar, Nizamabad and Adilabad. Subsequently, in the year 1996, the set up was reorganized and the divisions were abolished. The existing set up is newly formed as zones. Every revenue district has been recognized as a region thereby formed 23 regions in the State. The earlier Karimnagar Region, which was having three districts has now become only one district i.e. Karimnagar. However, new zones were formed with wider areas. The entire Telangana is divided into two zones and Andhra and Rayalaseema are divided into four zones. The regions comprising of the new zones are as follows:

	ZONES	REGIONS COMPRISING OF
1.	Hyderabad	(1) Hyderabad City (2) Ranga Reddy (3) Mahaboobnagar (4) Nalgonda (5) Medak
2.	Karimnagar	(1) Karimnagar (2) Warangal (3) Nizamabad (4) Khammam 2. Adilabad
3.	Vijayawada	(1) Vijayawada (2) West Godavari (3) Guntur

4.	Vizianagaram	(1) Vizianagaram (2) East Godavari (3) Visakhapatnam (4) Srikakulam
5.	Cuddapah	(1) Cuddapah (2) Kurnool (3) Anantapur
6.	Nellore	(1) Nellore (2) Ongole (3) Tirupati

The Karimnagar zone consists of Karimnagar, Warangal, Nizambad, Khammam and Adilabad. The posts in the hierarchy of Security Department are restructured for the purpose of placement and for next promotion. The revised level of seniority of security staff is as follows:

S.No.	Category	Existing level of seniority		Revised level of seniority	
		For placement	For next promotion	For placement	For next promotion
1.	……..	……		……..	
2.	……..	……		……..	
3.	……..	……		……..	
4.	……..	……		……..	
5.	Security Head Guard	Region	Region	Zone	Zone
5.	Security Guard	Division	Region	Region	Zone

Now the post of Security Guard is treated as a regional post insofar as pay scales are concerned and zonal post insofar as seniority is concerned. The Security Guards are paid on par with other Class-IV employees who are holding the regional posts. Insofar as promotion is concerned, the post of Security Guard is treated as zonal post. As such, the petitioners are deprived of both the opportunities. If the post of Security Guard has to be treated as zonal post, the said post should carry the pay scales of zonal level, which is higher than that of the regional level. For example, a helper, which was earlier division post, now it is regional post, will get promotion as Mechanic, Leading Handman, Mechanical Chargeman and Assistant Mechanical Foreman etc. and he will continue in the region only. His promotion and transfer are confined to the region only. Similarly, a Booking Clerk will be

promoted as Conductor, Assistant Depot Clerk, Controller, Traffic Inspector-III, Traffic Inspector-II and Traffic Inspector-I. If he gets promotion as Senior Traffic Inspector, it would be a zonal post. Whereas, the Security Guard being a Class-IV post, is treated as zonal post and the promotional area is spread over to five districts. The seniors in one district will get all the posts in the zone, whereas the Security Guards in other districts will be denied of their promotion indefinitely. Hence, the writ petition.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioners and asserted that vide Circular No.PD.2/1982 dated 24.4.1982, the Security Guards are classified as Class-III employees for limited purpose of leave eligibility with effect from 1.5.1982 and other benefits such as leave and festival advances at the rates applicable to Class-III employees were given vide notification dated 20.6.1995. The category has also been changed from Schedule-IV to Schedule-III of Regulation 5 of APSRTC Employees (CC & A) Regulations, therefore, the petitioners cannot compare their cases with that of Cleaners, Khalasis etc., whose levels of seniority and promotion channels are entirely different. The seniority list has been prepared as per communal roster and published strictly in accordance with the instructions issued by the Corporation from time to time. Consequent on the zonal set up, the seniority levels were fixed by the management in consultation with the union. Further, the vacancies of Security Head Guards would increase along with the merger of seniority levels.

Heard both sides.

Firstly, it appears that the posts of Security Guards are very less in number when compared to other posts. Secondly, when zonal system was introduced, more than four districts have been included in a zone. The post of Security Guard was classified as Class-III post for limited purpose in 1992 and for all purposes in 1995. It appears, the said decision was taken in consultation with the Unions and circulars dated 24.4.1982 and 20.6.1995 have been issued to that effect. Therefore, it cannot be said that for the purpose of pay scales, regional level is taken into consideration and for the

purpose of seniority, zonal level is taken into consideration. The pay scales do not apply to any region. The pay scales are applicable to a category of employment/posts. In this case, the pay scale of Security Guard is same either in the regional level or zonal level.

Of course, it affects the seniority of the petitioners for the purpose of promotion etc., but that seems to have been done in view of restructuring of administrative system in the Corporation in consultation with the Union. The Union has broadly taken care of the interest of Security Guards, which resulted in issuing various circulars by the Corporation. Under those circumstances, I am of the opinion that no ground is made out calling interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 21.3.2007

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W.P.No.35828 of 1997

21.3.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.35828 of 1997

Date: 21st March, 2007

Between:

Ch.Kishan Rao & others.

.. Petitioners

And

A.P.S.R.T.C., rep. by its
Vice Chairman and Managing Director,
Musheerabad, Hyderabad & others.

.. Respondents